

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MERCED CITY ELEMENTARY SCHOOL
DISTRICT AND MERCED COUNTY
OFFICE OF EDUCATION.

OAH Case No. 2015090062

ORDER DENYING REQUEST TO
VACATE ORDER GRANTING
EXTENSION TO FILE COMPLAINT

On November 13, 2015, the undersigned granted a request by Student's newly retained counsel for an extension of time to file an amended due process hearing request in this matter. On November 18, 2015, the Merced City Elementary School District filed an opposition to Student's request for an extension of time. The opposition is treated as an opposition and a request for the Office of Administrative Hearings to vacate the November 13, 2015 Order.

Student has been granted several extensions in this matter to file an amended complaint. The last extension prior to the November 13, 2015 Order required the amended complaint to be filed by November 20, 2015. All previous extensions were granted when Student was represented by a non-attorney, who admitted himself that he lacked knowledge as to special education litigation. The November 13, 2015 Order was the first extension granted to Student's newly retained counsel and only granted Student until December 4, 2015, to file the amended complaint.

District's arguments have been considered. District has not established that an additional two weeks, part of which time is consumed by the Thanksgiving Holidays, is prejudicial to District. At this time, without the amended complaint, it is not clear that Student has alleged a claim that would otherwise have been barred by the statute of limitations were Student forced to file an amended complaint by November 20, 2015. Furthermore, District reserves all rights to make any legal defenses to Student's claims. This includes the right to object to any further amendments, given the amount of time OAH has given Student to file the amended complaint. Accordingly, District's request is denied.

IT IS SO ORDERED.

DATE: November 20, 2015

/s/

BOB N. VARMA
Division Presiding Administrative Law Judge
Office of Administrative Hearings